

RECEIVED
CENTRAL FAX CENTER
APR 22 2005

SMART & BIGGAR
Intellectual Property & Technology Law

To Fax no.: (571) 273-8300
Page 1 of: 7
Attention: Examiner Deborah K. Ware
Group Art Unit 1651
From: SMART & BIGGAR
Your file no.: 10/728,943
Reply to Ottawa file no.: 78162-32C

P.O. Box 2999, Station D
55 Metcalfe Street, Suite 900
Ottawa, Canada K1P 5Y6

Tel: (613) 232-2486
Fax: (613) 232-8440

Date: April 22, 2005

Time:

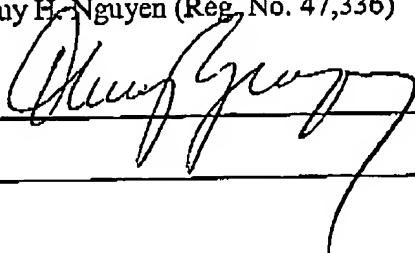
Certificate of Transmission

I hereby certify that this correspondence is being facsimile
transmitted to the Patent and Trademark Office Fax No.
(571) 273-8300 on April 22, 2005.

type or printed name of the person signing this certificate

Thuy H. Nguyen (Reg. No. 47,336)

Signature



If there are any transmission problems, please call (613) 232-2486.

Original copy and any enclosures

will mail
 will not be sent by courier

The information contained in this transmission is confidential and only for the intended recipient identified above. If you are not the intended recipient, you are hereby notified that any dissemination or use of this communication is unlawful. If you have received this transmission in error, please immediately notify us by telephone (collect). Return the original message to us and

PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB 0851-0031

Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

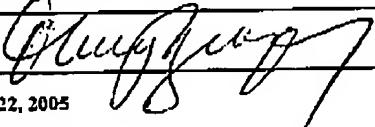
Total Number of Pages In This Submission

6

Application Number	10/728,943
Filing Date	December 8, 2003
First Named Inventor	Jaroslav A. Krlovec
Art Unit	1651
Examiner Name	Deborah K. Ware
Attorney Docket Number	78162-32C /slb

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <p style="margin-left: 20px;">1) Statement Under 37 CFR 1.97(e) Accompanying IDS (1 page) 2) PTO-1449 (2 pages)</p>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or individual name	Thuy H. Nguyen (Reg. No. 47,336) SMART & BIGGAR P.O. Box 2999, Station D, 900 - 55 Metcalfe Street, Ottawa, Ontario, K1P 5Y6, Canada
Signature	
Date	April 22, 2005

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Typed or printed name		Date
Signature		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

Apr-22-05 04:55pm From-S B /F&Co

APR 22 2005 +613

T-343 P.003/007 F-289

STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT

Docket No.
78162-32C /slb

In Re Application Of: JAROSLAV A. KRALOVEC

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/728,943	December 8, 2003	Deborah K. Ware	07380	1651	

Invention: METHODS FOR MAKING AND USING A CHLORELLA EXTRACT HAVING
IMMUNOMODULATING PROPERTIES

COMMISSIONER FOR PATENTS:

This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.

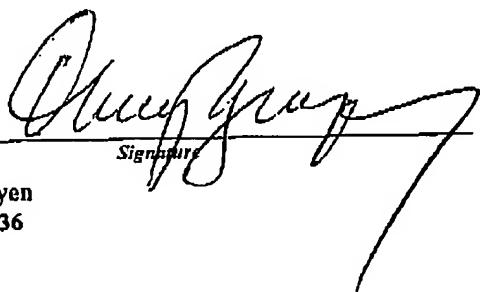
Check applicable statement herebelow:

Statement Under 37 CFR 1.97(e)(1)

Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

Statement Under 37 CFR 1.97(e)(2)

No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.



Signature

Dated: April 22, 2005

Thuy H. Nguyen
Reg. No. 47,336

Tel.: (613) 232-2486

CC:

Certificate of Mailing by First Class Mail

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

P10C/REV03

APR 22 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
ATTY. DOCKET NO. 78162-32C

In re Patent Application of Jaroslav A. KRALOVEC

Serial No. 10/728,943

Group Art Unit: 1651

Filed: December 8, 2003

Examiner: Deborah K. Ware

For: METHODS FOR MAKING AND USING A CHLORELLA
EXTRACT HAVING IMMUNOMODULATING PROPERTIES

**INFORMATION DISCLOSURE STATEMENT and
STATEMENT UNDER 37 CFR 1.97(e)**

This Information Disclosure Statement is being filed in the manner prescribed by 37 CFR 1.97(b) - (d) to satisfy the duty under 37 CFR 1.56 to disclose to the Office information, known to individuals associated with the filing and prosecution of the subject application, which is material to the examination of the application.

In accordance with 37 CFR 1.97(g) and (h), this statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 CFR 1.56(b).

In compliance with 37 CFR 1.98(a)(1), a list of all patents, publications, applications or other information submitted for consideration by the Office is hereby provided by way of the attached Form PTO-1449.

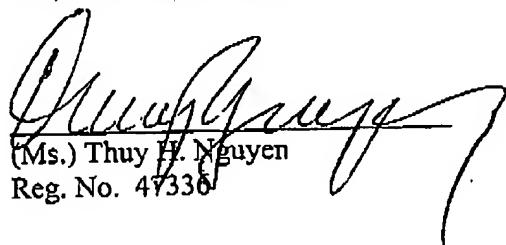
As prescribed by 37 CFR 1.97(e), I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than 3 months prior to the filing of this statement.

The items of information contained in this IDS were previously filed on April 7, 2005. The IDS from is being re-filed because the April 7, 2005 submission was missing the 37 CFR 1.97(e) statement..

It is respectfully requested that the information be expressly considered by the Examiner and that the references be made of record and appear among the "References Cited" on any patent to issue therefrom.

The Patent Office is hereby authorized to charge any deficiency, or credit any overpayment in fees to Deposit Account Number 19-2550.

Respectfully submitted,



(Ms.) Thuy H. Nguyen
Reg. No. 47336

Dated: April 22, 2005

SMART & BIGGAR
P.O. Box 2999, Station D
55 Metcalfe Street, Suite 900
Ottawa, Ontario
Canada K1P 5Y6
Telephone: (613) 232-2486
Fax: (613) 232-8440

THN:act:sch

Encls.: Form PTO-1449
All references listed on Form PTO-1449
Acknowledgement Card

Form PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	Atty. Docket No. 78162-32C	Serial No. 10/728,943	
	Applicant: Jaroslav A. KRALOVEC	Group: 1651	Filing Date: December 8, 2003
	Date: April 22, 2005	Page: 1 / 2	

U.S. PATENT DOCUMENTS

EXAM INIT.	Cite No.	US Patent DOCUMENT Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Location of Relevant Passages
	AA	4,831,020	Watanabe et al.	May 16, 1989	
	AB	4,533,548	Umezawa et al.	August 6, 1985	
	AC	60/224,014	Kralovec et al.	August 10, 2000	

FOREIGN PATENT DOCUMENTS

EXAM INIT.	Cite No.	Foreign Patent DOCUMENT Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Location of Relevant Passages
	AD	WO 02/04000 A1	The University of Mississippi, et al.	January 17, 2002	

NON-PATENT LITERATURE DOCUMENTS

AE	STARK, K.D., et al., "Effect of a fish-oil concentrate on serum lipids in postmenopausal women receiving and not receiving hormone replacement therapy in a placebo-controlled, double-blind trial", <i>The American Journal of Clinical Nutrition</i> . 72(2): 389-394 (August 2000).
AF	"Echinacea". Woodland Publishing, Inc. 1995, pages 5-30.
AG	"The Study of Spirulina". San Francisco Medical Research Foundation. 1996 at www.lightparty.com/Health/Spirulina.html ; reprint of article by R. Kozlenko. <i>Healthy and Natural J.</i> 3(5).
AH	Homepage of Amersham BioSciences, for Sephadryl S-1000 SF column and S 300 HR. [http://chromatography.amershambiosciences.com/atrix/upp01077.nsf/Content/Products?OpenDocument&parentid=549&moduleid=6674&zone=Labsep#content]
AI	Homepage of Sigma Aldrich showing the specification of Sephadex G 100. [http://sigmaaldrich.com/cgi-bin/hsrun/Suite7/Suite/Suite.hjx;start=Suite.HsViewHierarchy.run?Detail=Product&ProductNumber=ALDRICH-271195&VersionSequence=1]

Form PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	Atty. Docket No. 78162-32C		Serial No. 10/728,943
	Applicant: Jaroslav A. KRALOVEC	Group: 1651	Filing Date: December 8, 2003
	Date: April 22, 2005	Page: 2 / 2	

AJ	Homepage of Sigma Aldrich showing the specificationn of a Sephadex G-50 [®] gel filtration column. [http://www.sigmaaldrich.com/cgi-bin/hsrun/Suite7/Suite/Suite.hjx;start=Suite.HsViewHierarchy.run?Detail=Product&ProductNumber=ALDRICH-271136&VersionSequence=1]
AK	Homepage of Sigma Aldrich showing the specification of a Sephadex G-75 [®] gel filtration column. [http://www.sigmaaldrich.com/cgi-bin/hsrun/Suite7/Suite/Suite.hjx;start=Suite.HsViewHierarchy.run?Detail=Product&ProductNumber=ALDRICH-271179&VersionSequence=1]
Examiner	

EXAMINER:

Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

THN:act:sch